



STATE OF WASHINGTON

DEPARTMENT OF AGRICULTURE

P.O. Box 42560 • Olympia, Washington 98504-2560 • (360) 902-1800

NOTICE OF PUBLIC HEARINGS ON THE PROPOSAL TO AMEND THE WASHINGTON STATE POTATO COMMISSION MARKETING ORDER AND RULES

Notice is hereby given that the Washington State Department of Agriculture (WSDA) has scheduled public hearings on a petition proposing to amend: (1) the Washington State Potato Commission's Marketing Order and (2) the Rules of the Washington State Potato Commission (WAC 16-516) pursuant to procedures established in RCW 15.66, Washington state Agricultural Commodity Commissions Act, and RCW 34.05, Administrative Procedure Act. The Commission's Marketing Order affects the entire state of Washington.

(1) The proposed Marketing Order amendments:

- Expand the Commission's policy and purpose statements.
- Confirm that the Commission is the designated entity to speak on behalf of state government, with oversight by the WSDA Director, on the subject of potatoes.
- Eliminate the Commission's authority to engage in promotion and advertising activities.
- Update the definitions.
- Increase the board membership from 14 to 15 members.
- Add the WSDA Director as a voting Commission member.
- Decrease the representative districts from 5 to 3 and redefine them with county designations.
- Update the membership qualifications.
- Update the nomination, election, and vacancy processes.
- Increase the oversight of the Commission's programs, activities, and budget by the WSDA.
- Add additional powers and duties to benefit the industry.
- Expand the Commission's information and education role.
- Update meeting and administrative procedures.
- Remove language referring to payment of assessments through the purchase of stamps.
- Clarify the public disclosure exemption for affected producer information and records.
- Repeal WAC 16-516-002, 16-516-030, and 16-516-070.

(2) The proposed rule amendments:

- Remove all references to "promotion" or "promotional" hosting and replace with "agricultural development" or "trade relations" hosting.
- Remove language referring to payment of assessments through the purchase of stamps.
- Repeal WAC 16-516-140.

The proposed amendments are intended to achieve consistency with RCW 15.66 for a commission that has chosen to discontinue its promotion and advertising activities and to implement the petition received from the Washington State Potato Commission in accordance with RCW 15.66.030, 15.66.040, and 15.66.055.

Public hearings have been scheduled to address: (1) the proposed rule amendments and (2) the proposed Marketing Order amendments. The hearings will be held:

August 17, 2005, beginning at 2:00 p.m.

Big Bend Community College
Applied Technology Education Center
7611 Bolling Street NE
Moses Lake, WA 98837

&

August 18, 2005, beginning at 2:00 p.m.

Best Western Cotton Tree Inn
Convention Center, Lopez Room
2300 Market Street
Mount Vernon, WA 98273

Under RCW 15.66 and RCW 34.05, the Department will collect testimony to determine whether affected producers or interested parties support and/or approve the proposed rule and Marketing Order amendments. Testimony may be presented at the hearings or submitted in writing. Written submissions must be received by WSDA no later than August 19, 2005, 5:00 p.m., and may be mailed, faxed, or emailed to:

Lynn Briscoe, Commodity Commission Coordinator
WSDA, Administrative Regulations Program
PO Box 42560
Olympia, WA 98504-2560
Fax: 360-902-2092
Email: lbriscoe@agr.wa.gov

The proposed adoption date for Commission rule amendments is scheduled for January 4, 2006 after testimony is presented at the hearings and/or the Department receives any written comments.

For the Marketing Order amendments, the Director will make findings and issue a Recommended Decision based on the testimony presented at the hearings and any written comments received in response to this notice and the notice issued pursuant to RCW 34.05. The Recommended Decision will be distributed for comment, and subsequently, a Final Decision will be entered.

The Final Decision may result in a referendum on the proposal (the revised Marketing Order) pursuant to RCW 15.66.090 or a decision to deny the proposal in its entirety under RCW 15.66.080. If the proposal is denied in its entirety, the Director will take no further action and a referendum will not be held.

All notices and correspondence regarding the proposed Marketing Order amendments and the text of the rule amendments are available on the Department's web site at <http://agr.wa.gov>. The full text of the enabling act, RCW 15.66, and the Marketing Order, WAC 16-516, are available at <http://slc.leg.wa.gov>.

If you have any questions or would like a copy of the proposed amendments, please feel free to contact Lynn Briscoe, WSDA, at (360) 902-2043 or Karen Bonaudi, WA State Potato Commission, at (509) 765-8845.

Dated at Olympia, Washington this 22nd day of July 2005.

Valoria H. Loveland, Director
Washington State Department of Agriculture